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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,362	10/05/2001	Farhan Ahmad	SJ09-2001-0099	4699
46917	7590	03/14/2011 KONRAD RAYNES & VICTOR, LLP. ATTN: IBM37 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212		
		EXAMINER DIVECHA, KAMAL B		
		ART UNIT	PAPER NUMBER	2451
		NOTIFICATION DATE	DELIVERY MODE	03/14/2011 ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* FARHAN AHMAD, GARY THOMAS AXBERG,  
ZHENGWEN HE, RAYMOND M. LI,  
DAVID LYNN MERBACH,  
GREGORY JOHN TEVIS, and WILLIAM ROY YONKER

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Appeal 2009-007293  
Application 09/972,362<sup>1</sup>  
Technology Center 2400

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Before JEAN R. HOMERE, ST. JOHN COURTENAY III,  
CAROLYN D. THOMAS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>2</sup>

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<sup>1</sup> Filed on October 5, 2001. The real party in interest is International Business Machines Corp. (Br. 1.)

<sup>2</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

## I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) (2002) from the Examiner's final rejection of claims 1, 2, 4 through 9, and 21 through 48. (Br. 2.) Claims 3 and 10 through 20 have been cancelled. (Claims App'x.) We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We reverse.

### *Appellants' Invention*

Appellants invented an apparatus, method, and computer readable storage medium for managing how a plurality of web servers, file servers, and graphical workstations access a plurality of disk drives, disk arrays, and other storage devices. (Spec. 1, ll. 3-6.)

### *Illustrative Claim*

Independent claim 1 further illustrates the invention as follows:

1. A system in communication with a network comprising one or more network components comprising:

a manager in communication with the network components having application processes residing on the network components; and

an interface process in communication with the manager and the network components, wherein the interface process performs:

obtaining information on the network components from the manager;

maintaining a rules file having at least one rule for each of the network components, wherein each rule identifies the network component to be managed, one of a plurality of communication interface types, and a parameter name, wherein the parameter name is used with the communication interface type to invoke the application process residing on the network component;

- displaying information representing the network components;
- receiving selection of one displayed network component;
- accessing the rules file to determine at least one application process associated with the selected network component;
- displaying information on the at least one determined application process residing on the selected network component, wherein at least one of the determined application processes reside on the selected network component;
- receiving selection of one of the displayed application processes residing on the selected network component;
- accessing the rule from the rules file for the selected application process to determine information on the selected application process and the communication interface type and parameter name supported by the application process to use to launch the selected application process on the selected network component; and
- launching the selected application process on the selected network component using the determined communication interface type and parameter name from the rules file.

*Prior Art Relied Upon*

The Examiner relies on the following prior art as evidence of unpatentability:

Weber	US 6,480,901 B1	Nov. 12, 2002 (filed Jul. 9, 1999)
Ismael	US 6,851,118 B1	Feb. 1, 2005 (filed Jun. 27, 2000)

*Rejections on Appeal*

The Examiner rejects claims 1, 2, 4 through 9, and 21 through 48 under 35 U.S.C. § 103(a) as being unpatentable over a combination of Weber and Ismael.

*Appellants' Contentions*

Appellants contend that the proffered combination fails to teach or fairly suggest the “rules file,” as recited in independent claim 1. (Br. 23.) In particular, Appellants argue that Ismael discloses utilizing a managed adaptor server for a system agent, and performing management operations for the system agent. (*Id.* at 24.) Therefore, Appellants allege that Ismael does not teach or fairly suggest that the managed object adaptor server has communication and parameter information for multiple network components, which are utilized to launch the remote network components. (*Id.*) Appellants also contend that Ismael’s disclosure of an adaptor that provides a communication protocol to access a management object does not teach or fairly suggest a rules file that provides communication protocols for different network components, whereby the protocols are utilized to launch application processes residing on the network components. (*Id.*)

*Examiner's Findings and Conclusions*

The Examiner finds that Weber’s disclosure of a management interface program version that indicates both the communication interface type and parameter, in conjunction with Ismael’s disclosure of a rules file in the form of Hypertext Markup Language (hereinafter “HTML”), teaches or fairly suggest the “rules file,” as recited in independent claim 1. (Ans. 21-22.)

## II. ISSUE

Have Appellants shown that the Examiner erred in concluding that the combination of Weber and Ismael renders independent claim 1 unpatentable? In particular, the issue turns on whether the proffered combination teaches or fairly suggests “maintaining a rules file having at least one rule for each of the network components, wherein each rule identifies the network component to be managed, one of a plurality of communication interface types, and a parameter name...,” as recited in independent claim 1.<sup>3</sup>

## III. FINDINGS OF FACT

The following Findings of Fact (hereinafter “FF”) are shown by a preponderance of the evidence.

### *Weber*

FF 1. Weber generally relates to managing devices on a network and, in particular, to monitoring and managing devices that are not directly attached to the network, but are attached to the network via another device. (Col. 1, ll. 27-32.)

FF 2. Weber’s figure 8 depicts the start-up procedures for a management interface application. (Col. 16, ll. 52-54.) In step 80, when the user double-clicks on one of the storage systems in the discover-monitor application (hereinafter “DMA”) screen, Weber discloses that the DMA

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<sup>3</sup> We note that independent claim 24 merely recites “maintaining a rules having at least one rule . . .”. However, based on our reading of the original disclosure, it is apparent that the recitation of “a rules” in independent claim 24 is a typographical error. We therefore presume that the “a rules” was intended to be directed to “a rules file” as indicated by the recitation of “the rules file” in lines 17 and 24 of independent claim 24.

(822) receives device property information about the selected storage system device from a device property storage area. (*Id.* at ll. 58-64.)

*Ismael*

FF 3. Ismael generally relates to the access and control of objects, such as beans. (Col. 1, ll. 7-8.) Ismael discloses that the beans are reusable software components which can be manipulated visually in a builder tool, such as an editor or graphical user interface builder (hereinafter “GUI builder’). (*Id.* at 7-13.)

FF 4. Ismael discloses that “[a] managed object adaptor server is a protocol adaptor that provides an abstraction of a communication protocol.” (Col. 7, ll. 33-45.) Further, Ismael discloses that each managed object adaptor server provides access to m-beans via a particular communications protocol (i.e., Hypertext Markup Language/Hypertext Transfer Protocol; Simple Network Management Protocol (hereinafter “SNMP”); and Common Object Request Broker Architecture). (*Id.* at ll. 45-47.) Additionally, Ismael discloses that a managed object adaptor server enables various management applications to perform management operations on a network management system agent. (*Id.* at ll. 47-50.)

FF 5. In order to initialize an adaptor, Ismael discloses that the client applications invoke a connection method defined in the adaptorMO interface. (Col. 18, ll. 20-22.) Ismael discloses providing parameters that are related to the host name of the agent, the port number to use, and a logical name that is generally dependent on the underlying communication mechanism. (*Id.* at ll. 22-25.)

#### IV. ANALYSIS

##### *Claim 1*

Independent claim 1 recites, in relevant part:

maintaining a rules file having at least one rule for each of the network components, wherein each rule identifies the network component to be managed, one of a plurality of communication interface types, and a parameter name....

First, we consider the scope and meaning of the claimed term “rules file,” which must be given the broadest reasonable interpretation consistent with Appellants’ disclosure, as explained in *In re Morris*, 127 F.3d 1048 (Fed. Cir. 1997):

[T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant’s specification.

*Id.* at 1054. *See also Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) (stating that “claims must be interpreted as broadly as their terms reasonably allow.”) Appellants’ Specification states that the claimed rules file “... identifies each of the selected components and the applications and communication interfaces supported by that component, e.g., telnet, SNMP.” (Spec. 175, ll. 9-11.)

Our reviewing court states, “the ‘ordinary meaning’ of a claim term is its meaning to the ordinary artisan after reading the entire patent.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1321 (Fed. Cir. 2005).

Upon reviewing Appellants’ Specification for context, and in accordance with the plain language of the claims, we conclude that the claimed term “rules file” is broadly, but reasonably, construed as a file that

contains at least one rule for identifying each of the network components to be managed, and the applications and communication interfaces supported by each network component.

As detailed in the Findings of Fact section above, Weber discloses monitoring and managing devices that are attached to a network via another device. (FF 1.) In particular, we find that Weber discloses a DMA screen whereby a user can select storage systems. (FF 2.) When the user double-clicks on a storage system, Weber discloses retrieving property information pertaining to the storage system from a property storage area, and displaying such information on the DMA screen. (*Id.*) We find that Weber's disclosure teaches a storage area that stores or maintains property information for multiple storage systems.

Next, Ismael discloses accessing and controlling objects, such as reusable software components which can be manipulated visually in an editor or GUI builder. (FF 3.) In particular, Ismael discloses managed object adaptor servers that provide access to the objects via various communication protocols. (FF 4.) Ismael also discloses that the managed object adaptor servers enable various management applications to perform management operations on a network management system agent. (*Id.*) Further, in order to initialize a managed object adaptor server, Ismael discloses that the client applications invoke a connection method defined by an adaptorMO interface. (FF 5.) Ismael discloses providing parameters relating to the host name of the agent, port numbers, and a logical name dependent on the underlying communication mechanism. (*Id.*) We find that Ismael's disclosure teaches providing communication protocols and parameters (i.e., port number, logical name, etc.) to a network agent, thereby

enabling the network agent to access and control objects residing on multiple object adaptor servers.

At best, we find that Weber's storage area is capable of maintaining property information, such as Ismael's communication protocols and parameters utilized by a network agent to access and control objects residing on multiple object adaptor servers. (*See FFs 2, 4, & 5.*) However, given our claim construction above, we find that the proffered combination falls short of teaching or fairly suggesting a "rules file" (claim 1) or "rules" (claim 24) that contain(s) at least one rule for identifying each of the network components to be managed, and the applications and communication interfaces supported by each network component.

Although Weber's storage area is capable of maintaining Ismael's communication protocols and parameters, the proffered combination fails to teach or fairly suggest maintaining a file that contains rules which identify multiple network components to be managed, and the applications and communication interfaces supported by each network component. Thus, we find that the proffered combination fails to teach or fairly suggest the disputed limitation.

Moreover, although the Examiner points to multiple disclosures within both Weber and Ismael to teach or fairly suggest the disputed claim limitations, we note that it was difficult to ascertain the Examiner's position in regards to how the proffered combination renders independent claim 1 and, in particular, the claimed "rules file" unpatentable. Consequently, to affirm the Examiner on the record before us would require considerable speculation on our part. We decline to engage in such speculation.

Since Appellants have shown at least one error in the rejection of independent claim 1, we need not reach the merits of Appellants' other arguments. It follows that Appellants have shown that the Examiner erred in concluding that that the combination of Weber and Ismael renders independent claim 1 unpatentable.

*Claims 2, 4 through 9, and 21 through 48*

Since independent claims 21, 24, and 31, and dependent claims 2, 4 through 9, 22, 23, 25 through 30, and 32 through 48, also incorporate the limitation discussed above, we find that Appellants have also shown error in the Examiner's rejection of these claims for the reasons set forth in our discussion of independent claim 1.

**V. CONCLUSIONS OF LAW**

Appellants have shown that the Examiner erred in rejecting claims 1, 2, 4 through 9, and 21 through 48 as being unpatentable under 35 U.S.C. § 103(a).

**VI. DECISION**

We reverse the Examiner's decision to reject claims 1, 2, 4 through 9, and 21 through 48 as being unpatentable under 35 U.S.C. § 103(a).

**REVERSED**

Vsh

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